

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEON CORNELIUS MITCHELL,

Defendant.

CR-18-21-GF-BMM

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on July 23, 2024. (Doc. 67.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on July 22, 2024. (Doc. 66.) The United States accused Leon Mitchell (Mitchell) of violating his conditions of

supervised release by: (1) unlawfully possessing a controlled substance, methamphetamine, on May 2, 2024; (2) failing to participate in substance abuse testing by failing to provide a urine sample on April 30, 2024 and attempting to provide a fake urine sample with a device concealed on his person on May 2, 2024; (3) testing positive for methamphetamine on May 3, 2024 and admitting to using methamphetamine on April 27, 2024; and (4) communicating and interacting with someone he knew was engaged in criminal activity on May 2, 2024; (5) unlawfully possessing a controlled substance, methamphetamine, on June 13, 2024; and (6) on June 13, 2024, possessing a zip lock bag of urine to utilize for his mandatory substance abuse testing (Docs. 47 and 57.)

At the revocation hearings Mitchell admitted to having violated the conditions of his supervised release by: (1) unlawfully possessing a controlled substance, methamphetamine, on May 2, 2024; (2) attempting to provide a fake urine sample with a device concealed on his person on May 2, 2024; (3) testing positive for methamphetamine on May 3, 2024, and admitting to using methamphetamine on April 27, 2024; (4), communicating and interacting with someone he knew was engaged in criminal activity on May 2, 2024. The Government moved to dismiss the first part of allegation (2) and allegation (4), and allegations (5) and (6) as set forth in the Amended Petition, which the Court granted. (Doc.66.)

Judge Johnston found that the violations Mitchell admitted proves serious and warrants revocation of his supervised release and recommends a sentence of 7 months followed by 53 months of supervised release to follow. (Doc. 67.) Mitchell was advised of his right to appeal and his right to allocute before the undersigned and waived those rights. (Doc. 66.)

The violations prove serious and warrants revocation of Mitchell's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 67.) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Leon Cornelius Mitchell be sentenced to a term of custody of 7 months, followed by 53 months of supervised release. With the first 60 days of Mitchell's supervised release, spent in an in-patient substance abuse treatment facility.

DATED this 24th day of July, 2024.



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Brian Morris, Chief District Judge  
United States District Court